

REMARKS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested. After entry of the foregoing amendment, Claims 1-2 and 5-8 remain pending in the present application. No new matter has been added.¹

By way of summary, the Office Action presented the following issues: Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite; and Claim 7 was rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Application Publ'n No. 2003/0028395 to Rodgers et al. (hereinafter "Rodgers").

REJECTION UNDER 35 U.S.C. § 112

Claim 7 was rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Applicant has amended that claim to clarify the second transfer mode. Applicant therefore requests the withdrawal of the rejection under 35 U.S.C. § 112.

REJECTION UNDER 35 U.S.C. § 102

Claim 7 was rejected under 35 U.S.C. § 102(b) as anticipated by Rodgers. In light of that rejection, independent Claim 7 has been amended to clarify the recited invention and to thereby more clearly patentably define over the applied reference.

Amended Claim 7 is directed to a content processing hardware apparatus, including, in part, "the processor configured to retrieve the content . . . from the content reproduction apparatus and delete the retrieved content from the content reproduction apparatus, and to transfer the content to the content reproduction apparatus, when the detected transfer mode is the first transfer mode" Rodgers fails to disclose or suggest that combination of features.

¹ The amendments to Claim 7 find support at least in Figure 51 and in its accompanying text in the specification.

Rodgers concerns a method for distributing electronic content in which a “content management application . . . prepares licence data relating to content data which consumer A wishes to recommend to consumer B, the licence data . . . including the licence identifier DOI₂QX_p/T, and bundles the licence data . . . into a message 200 which is then transmitted . . . to the PDA 190 of consumer B.”² According to the Rodgers method,

Docking of the PDA 190 . . . causes the content management program to connect . . . to the server 18 of the commercial distributor Y, whereupon all the stored licence data held by the computer 180 of consumer B, including that relating to the content beamed to consumer B from consumer A, is sent to the commercial distributor³

Further to the Rodgers method, “The consumer B is then sent an updated licence identifier DOI₂QX_{p+1}/F”⁴

That is, Rodgers merely describes the commercial distributor sending an updated licence, relative to the licence sent to the commercial distributor. Rodgers does not disclose or suggest an equivalence of those licences.

It is respectfully submitted that Rodgers does not disclose or suggest the feature of “the processor configured to retrieve the content . . . from the content reproduction apparatus and delete the retrieved content from the content reproduction apparatus, and to transfer the content to the content reproduction apparatus, when the detected transfer mode is the first transfer mode,” as recited in amended Claim 7.

It is submitted for at least the foregoing reasons that independent Claim 7 patentably distinguishes over Rodgers.

² Rodgers, para. [0040].

³ Id., para. [0041].

⁴ Id., para. [0044].

NEW CLAIM

Applicant has added new Claim 8 to set forth the invention of Claim 7 in a varying scope. It is respectfully submitted that new Claim 8 finds support at least in Figure 52. Thus, no new matter has been added.

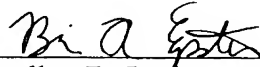
It is respectfully submitted that Claim 8 is allowable by virtue of its dependence from Claim 7 and for the more detailed features presented by the new claim.

CONCLUSION

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the present application is patentably distinguished over the applied reference. The application is therefore in condition for allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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